

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 15977 of 2004

Between:

K.S. Chakravarthi, S/o. K.V. Narasimha Rao, Hindu,
Aged about 33 years, Plot No. 131, Visalakshinagar,
Visakhapatnam.

..... PETITIONER

AND

1. The District Collector, Visakhapatnam District.
2. The Joint Collector, Visakhapatnam District.
3. The District Supply Officer (City), Visakhapatnam.
4. The Assistant Director (Horticulture), Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ, order or direction, particularly one in the nature of Mandamus declaring the action of the Respondents in not giving the posting orders as Estate Officer, in any vacancy while continuing juniors/freshers/unqualified as illegal, arbitrary, violative of Article 14 of the Constitution of India and consequently direct the Respondents to issue necessary orders for posting in any vacancy and to pay the salary from the date of his relief till reinstatement with all attendant benefits.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court at the stage of admission made the following :

-

-

-

-

THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No.15977 of 2004

ORDER:

The petitioner contends that he was appointed as an Estate Officer on 05.05.2000. He was posted at Laxmi Talkies Rythu Bazaar, Visakhapatnam on 01.05.2001. He was transferred to Seethammadhara Rythu Bazaar subsequently. Later, the respondents through an oral order relieved the petitioner from the post of Estate Officer on 04.09.2003 and he was not given any posting orders and the salary is also not being paid. The petitioner could not produce any order of relief on the ground that he was relieved orally. The petitioner further represents that he made representations to the first respondent on 22.05.2004, 02.08.2004 and 16.08.2004 requesting to give him the posting orders and arrange payment of the salary.

2. The grievance of the petitioner is that the respondents so far did not pass any orders on his representations, therefore, he approached this Court seeking to declare that the action of the respondents in not giving the posting orders in any vacancy, while continuing the juniors as illegal, arbitrary and violative of Article 14 of the Constitution of India.

3. The petitioner did not place any material regarding the terms and conditions of the post, which he was holding as an Estate Officer of the Rythu Bazaar, therefore, it is not possible to pass any order acceding to the request of the petitioner regarding the posting orders. The first respondent is, therefore, directed to pass appropriate orders on the representations of the petitioner within four weeks from the date of receipt of a copy of this Order according to the rules.

The writ petition is accordingly disposed of. No order as to costs.

Dr.G.YETHIRAJULU, J

Dated: 22nd September, 2004.

CS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Collector, Visakhapatnam District.
2. The Joint Collector, Visakhapatnam District.
3. The District Supply Officer (City), Visakhapatnam.
4. The Assistant Director (Horticulture), Visakhapatnam.
5. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings,
Hyderabad. (O.U.T.)
6. Two C.D. copies.